

Presented to the Court by the foreman of the Grand Jury in open Court, in the presence of the Grand Jury and FILED in the U.S. DISTRICT COURT at Seattle, Washington.

APRIL 28 2011
WILLIAM M. McCOOL, Clerk
By [Signature] Deputy

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH GUSSONI, and
MARK SKILES,

Defendants.

CASE NO. **CR 11 5232 BHS**
INDICTMENT

The grand jury charges that:

COUNT 1
(Conspiracy to Unlawfully Deal in Firearms)

A. The Offense

1. Beginning at a time unknown, but within the last five years, and continuing until on or about November 15, 2010, within the Western District of Washington, and elsewhere, KENNETH GUSSONI and MARK SKILES (the "Defendants"), together with others known and unknown, did knowingly and willfully conspire, confederate and agree to commit offenses against the United States, to wit: to willfully engage in the business of dealing in firearms without a license.

1 **B. The Object of the Conspiracy**

2 2. The object of the conspiracy was for the Defendants to purchase and sell
3 firearms for a profit, while avoiding the record keeping, reporting, and other requirements
4 imposed on a Federal Firearms Licencee.

5 **C. Manner and Means in the Commission of the Offense**

6 The manner and means by which the Defendants and their co-conspirators sought
7 to accomplish the object and purpose of the conspiracy included, among others, the
8 following:

9 3. The Defendants would engage in the business of dealing firearms, that is,
10 they purchased, received, transported, sold, and delivered numerous firearms, without
11 being properly licensed to do so.

12 4. The primary locations at which the defendants unlawfully engaged in the
13 business of dealing firearms were various gun shows within the Western District of
14 Washington, where they displayed, advertised, and sold firearms from their inventory.

15 5. The Defendants would purchase firearms from Federal Firearms Licensees
16 (FFLs) and private individuals in the area with the intent to resell the firearms to others
17 for a profit. The Defendants' acquisition of firearms included approximately 117
18 handguns from an FFL in Tacoma, Washington, between March 2009 and October 2010.

19 6. The Defendants engaged in the business of dealing firearms without
20 complying with the requirements imposed on FFLs. For example, the Defendants did not
21 have purchasers fill out ATF form 4473, which allows law enforcement agencies to trace
22 the ownership of a particular firearm.

23 **D. Acts During the Commission of the Offense**

24 In furtherance of the conspiracy, and to accomplish one or more of its objects, the
25 following overt acts were committed by one or more of the conspirators within the
26 Western District of Washington:

27 7. On or about June 20, 2009, the Defendants attended a gun show in
28 Centralia, Washington. The Defendants reserved tables at the show on which they

1 displayed numerous handguns and rifles for sale. The majority of the handguns had a
2 "3x5" card describing the gun and listing a sales price. While at the gun show, MARK
3 SKILES sold one .22 caliber Cobra Enterprises Derringer for \$200.00 to an undercover
4 agent from the Bureau of Alcohol, Tobacco and Firearms (ATF). KENNETH GUSSONI
5 and MARK SKILES also sold an Intratec, model Tec 9, 9mm pistol and a Cobra
6 Enterprises, .38 caliber derringer to an undercover ATF agent for \$700.00.

7 8. On November 7, 2009, KENNETH GUSSONI and MARK SKILES
8 attended a gun show in Monroe, Washington. They had reserved tables at the show on
9 which they displayed numerous handguns and rifles for sale. While at that gun show,
10 KENNETH GUSSONI sold two Cobra, .38 caliber handguns for a total of \$475.00 to an
11 undercover ATF agent.

12 9. On or about November 14, 2009, KENNETH GUSSONI attended a gun
13 show in Puyallup, Washington. He had a reserved table at the show on which he
14 displayed multiple firearms for sale. While at that gun show, KENNETH GUSSONI sold
15 a Citadel, .45 caliber semi-automatic pistol for \$500.00 to an undercover ATF agent.

16 10. On May 15, 2010, KENNETH GUSSONI and MARK SKILES attended a
17 gun show in Puyallup, Washington. They had reserved tables at the show on which they
18 displayed numerous handguns and rifles for sale. While at that gun show, the Defendants
19 sold one Hi Point .45 caliber handgun and one Smith and Wesson 9mm handgun for a
20 total of \$600.00 to an undercover ATF agent.

21 11. On May 22, 2010, KENNETH GUSSONI attended a gun show in Centralia,
22 Washington. He had a reserved table at the show on which he displayed numerous
23 handguns and rifles for sale. While at that gun show, KENNETH GUSSONI sold a
24 Ruger, model LCP, .380 caliber pistol and a Rohm, .38 caliber Derringer for a total of
25 \$510.00 to an undercover ATF agent.

26 12. On August 7, 2010, KENNETH GUSSONI and MARK SKILES attended a
27 gun show in Puyallup, Washington. They had reserved a table at the show on which they
28 displayed numerous firearms. While at the gun show, KENNETH GUSSONI sold a

1 Bryco, .380 caliber pistol, a Bauer, .25 caliber pistol, and a Raven, .25 caliber pistol for a
2 total of \$500.00 to an undercover ATF agent. While at the gun show, GUSSONI also
3 sold a Ruger, .38 caliber revolver for \$425.00 to an undercover agent.

4 All in violation of Title 18, United States Code, Section 371.

5
6 **COUNT 2**
(Unlawful Dealing in Firearms)

7 Beginning at a time unknown, but within the last five years, and continuing until
8 on or about November 15, 2010, within the Western District of Washington, and
9 elsewhere, KENNETH GUSSONI and MARK SKILES did willfully engage in the
10 business of dealing firearms without a license, and did aid and abet such conduct.

11 The allegations set forth in paragraphs 2 through 13 of Count 1 are re-alleged and
12 incorporated by reference as though set forth fully herein.

13 The Grand Jury alleges that this offense was committed during and in furtherance
14 of the conspiracy charged in Count 1 above.

15 All in violation of Title 18 United States Code, Section 922(a)(1)(A).

16
17 **COUNT 3**
(Unlawful Possession of a Firearm Silencer)

18 On or about November 18, 2010, at Bremerton, within the Western District of
19 Washington, KENNETH GUSSONI did knowingly possess a firearm which was not
20 registered to him in the National Firearms Registration and Transfer Record, as required
21 by law, namely, a device by design, construction, and function, for silencing, muffling, or
22 diminishing the report of a portable firearm, as defined in Title 18 United States Code,
23 Section 921(a)(24).

24 All in violation of Title 26, United States Code, Sections 5861(d) and 5845(a)(7).
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COUNT 4
(Possession of a Firearm with Obliterated Serial Number)

On or about November 18, 2010, at Bremerton, within the Western District of Washington, KENNETH GUSSONI did knowingly possess a firearm with an obliterated, removed, changed and altered serial number, to wit: one Intratec, model Tec 22, .22 caliber pistol, which had been shipped and transported in interstate commerce.

All in violation of Title 18, United States Code, Section 922 (k).

ASSET FORFEITURE ALLEGATION

The allegations in Counts 1-2 of the Indictment are hereby realleged and incorporated herein by reference for the purpose of alleging forfeiture to the United States pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c).

Upon conviction of the offenses in violation of Title 18, United States Code, Section 922, the Defendants, MARK SKILES and KENNETH GUSSONI shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), any firearms and ammunition involved in the commission of the offenses, including, but not limited to the following:

1. All firearms and ammunition acquired, possessed, and distributed during the commission of the offenses; and
2. All firearms and ammunition seized from the Defendants' residences on November 18, 2010.

SUBSTITUTE ASSETS

If any of the above-described forfeitable property, as a result of any act or omission of the Defendant –

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or

1 e. has been commingled with other property which cannot
2 be subdivided without difficulty,
3 it is the intent of the United States, pursuant to Title 21, United States Code,
4 Section 853(p), to seek the forfeiture of any other property of the Defendants up to the
5 value of the above-described forfeitable properties.

7 A TRUE BILL:


8 DATED:

9 Signature of Foreperson redacted pursuant
10 to the policy of the Judicial Conference of
the United States.

11 FOREPERSON

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13
14 JENNY A. DURKAN
15 United States Attorney

16 
17 TODD GREENBERG
18 Assistant United States Attorney

19 
20 BRUCE MIYAKE
21 NICHOLAS W. BROWN
22 Assistant United States Attorneys